REMARKS

Claims 14 through 23 are pending in the application. Applicant has amended claim 1 and 17. The subject matter of claim 15 has now been included in claim 14. As such, claim 15 has been canceled. New claim 24 has been added and is fully supported by the specification at page 6, Table 1. Therefore, upon entry of this amendment, claims 14 and 16 through 24 are pending in the application. No new issues have been raised by the amendments to claim 14, as the amendments include previously considered limitations from cancelled claim 15.

Claims 14 through 23 stand rejected under 35 U.S.C. §103 as being unpatentable in view of U.S. Patent No. 5,569,444 to Blanchard et al. (Blanchard).

Claim 14 is a product-by process claim that is directed to forming unique cobaltous hydroxide or alloy hydroxide, wherein cobaltous hydroxide or alloy hydroxide has a density of about 0.5 to about 2.2 g/cm^3, a particle size about 1 μm to about 20 μm, and a specific surface of about 0.5-20 m^2/g. The cobaltous hydroxide or alloy hydroxide is prepared by a reaction comprising the step of adding a complexing agent and hydroxide ion under alkaline conditions to an aqueous chloride solution of cobalt or to an aqueous chloride solution of an alloy of cobalt and other metal to form a metal hydroxide. The complexing agent is selected so as to form an ammonium complex with a metal ion, wherein a molar ratio of complexing agent to metal ion is about 0.5 to about 3. The reaction is conducted at a pH in the range of 10 to 13.

To the contrary, Blanchard is directed to a completely different process of preparing a powder of metal hydroxides **based on nickel hydroxide.** The process includes introducing a solution of nitrates or sulfates of nickel and of cobalt **and of cadmium and/or zinc** into a reactor, together with a strong base and an ammonium salt with the pH of the reaction medium at 9.2 ± 1. Metal hydroxide particles precipitated from the reaction are filtered, washed and dried.

The Action contends that Blanchard suggests the instantly claimed cobaltous hydroxide and alloy hydroxide of nickel, cobalt, and cadmium having the instantly claimed product characteristics. Claim 14 is a product-by-process claim, and several steps of claim 14 are neither described nor suggested by Blanchard.

Instead of nitrates or sulphates of nickel, cobalt and cadmium in Blanchard, claim 14 uses aqueous chloride solutions of cobalt or alloy of cobalt and another metal. The Specification of the present invention points out that the chloride solutions yield thicker particles than sulphate-based solutions. (See page 2, lines 22 to 23). Therefore, the use of chloride solutions in the present invention is not obvious in view of Blanchard. In fact, the sulphate-based solutions of Blanchard teach away from that which is recited in the claims of the present invention.

Further, the reaction of the process in claim 14 is conducted at a pH in the range of 10 to 13, which is generally higher than the pH of 9.2 ± 1 of Blanchard. The pH recited in claim 14 is critical because the present inventor has discovered that the use of a pH between about 10 to about 13, preferably between 11.2 to 12, allows for the formation of a unique hydroxide having a particle size between about 1 μm to about 20 μm which is outside of the larger particles taught by Blanchard. Therefore, cobaltous hydroxide made in the higher pH distinguishes from that of Blanchard.

Therefore, for at least the reasons above, Applicant respectfully submits that the claimed invention is patentably distinguishable over the cited art. As such, reconsideration and passage of this application to allowance is respectfully requested.

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Respectfully submitted,

Paul D. Greeley
Reg. No. 31,019
Attorney for Applicant
Ohlandt, Greeley, Ruggiero & Perle, LLP
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel. (203) 327-4500
Fax. (203) 327-6401